

FACTSHEET

TITLE: **WAIVER NO. 05007**, requested by Olsson Associates on behalf of Austin Realty Company, to waive the sidewalk requirements in the Crossbridge 1st Addition preliminary plat, on property generally located at North 27th Street and Fletcher Avenue.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/06/05
Administrative Action: 07/06/05

STAFF RECOMMENDATION: Denial.

RECOMMENDATION: Approval (5-0: Carroll, Carlson, Esseks, Larson and Bills-Strand voting 'yes'; Krieser, Pearson, Sunderman and Taylor absent).

1. This is a request to waive the sidewalks along Crossbridge Road, a private roadway located along the southern boundary of the Crossbridge 1st Addition preliminary plat.
2. The staff recommendation to deny the waiver request is based upon the "*Analysis*" as set forth on p.4, concluding that the waiver request does not conform with the Comprehensive Plan or subdivision regulations.
3. The applicant's testimony is found on p.5-6, pointing out that there is no need for a sidewalk on the south side of the private roadway and that there is a significant grade problem which has given rise to this waiver request.
4. There was no testimony in opposition.
5. The Planning Commission discussion with staff is found on p.6. It is staff's position that the sidewalk is a required design standard and the sidewalk could have been provided if the plat had been designed differently. However, the staff also suggested that the applicant provide a sidewalk linking this development to the apartments north and east across a floodplain area. The applicant indicated in his testimony that there could be considerable difficulty and cost in designing and constructing this connection.
6. On July 6, 2005, the Planning Commission disagreed with the staff recommendation and voted 5-0 to recommend approval of the waiver request (Carroll, Carlson, Esseks, Larson and Bills-Strand voting 'yes'; Krieser, Pearson, Sunderman and Taylor absent). The Planning Commission found that the sidewalk would not serve as a useful pedestrian function. (See Minutes, p.6-7).
7. Subsequent to the action by the Planning Commission, the applicant agreed to provide a pedestrian way easement linking the development to the apartment area, but not guaranteeing its construction, and staff agreed to drop its opposition to the waiver. The final location will be determined at the time of final plat.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 11, 2005

REVIEWED BY: _____

DATE: July 11, 2005

REFERENCE NUMBER: FS\CC\2005\WVR.05007

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 13, 2005 PLANNING COMMISSION MEETING

PROJECT #: Waiver of Design Standards #05007

PROPOSAL: Waive the requirement for sidewalks along Crossbridge Road within Crossbridge 1st Addition preliminary plat.

LOCATION: North 27th Street and Fletcher Avenue.

CONCLUSION: This waiver request does not conform to the Comprehensive Plan or Subdivision Regulations.

RECOMMENDATION:

Waive sidewalks along Crossbridge Road

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot B, Crossbridge Addition, located in the SW1/4 of Section 31 T11N R7E, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: Church R-3 Residential

SURROUNDING LAND USE AND ZONING:

North:	Commercial	H-3 Highway Commercial
	Vacant	R-3 Residential
South:	Vacant	B-2 Planned neighborhood Business
East:	Vacant	R-3 Residential
West:	Vacant	R-3 Residential

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Land Use Plan identifies this area as Commercial. (F 25)

Transportation Planning Principles include:

- *A Connected City.* In Lincoln and Lancaster County, the unifying qualities of transportation will be emphasized. The transportation network will sustain the One Community concept by linking neighborhoods together. Neighborhoods, activity and employment centers, rural communities, and open lands will be connected by a continuous network of public ways.
- *A Balanced Transportation System.* Transportation planning in Lincoln will be guided by the principle of balancing needs and expectations. It will recognize that transportation is a means to the goal of a unified, liveable, and economically strong community, and not an end in itself. Thus, the system will effectively move people and goods around the community, while minimizing impacts on established neighborhoods and investments. The concept of balance also applies to methods of transportation. While the system must function well for motor vehicles, it should also establish public transportation, bicycling, and walking as realistic alternatives now and in the future.
- *Transportation as a Formative System.* Transportation and land use are linked systems. The land use plan,

which includes projections of future development, determines the character of the transportation plan. On the other hand, transportation has a major impact on the form of the City. Lincoln and Lancaster County will use major road projects to reinforce desirable development patterns.

- *Planning as a Process.* Transportation planning is a dynamic process, responding to such factors as community growth, development directions, and social and lifestyle changes. Therefore, the Comprehensive Plan should also establish an ongoing process that responds to these changes. (F 86)

The overall objectives of the transportation plan include:

- Developing a balanced transportation system that meets the mobility needs of the community and supports Lincoln and Lancaster County's land use projections and plan.
- Creating a sustainable transportation network that minimizes energy consumption and environmental pollution.
- Increasing the use of alternate means of transportation, including public transportation, bicycle transit, and pedestrian movement, by improving and expanding facilities and services and encouraging compact, walkable land use patterns and project designs. (F 87)

Pedestrian level of service factors include:

- **Continuity** - The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities.
- **Security** - Pedestrians should be visible to motorists and other pedestrians. Pedestrians should be separated from motorists and bicyclists. Adequate lighting should be provided.
- **Visual Interest** - Pedestrians enjoy a visually appealing environment. Street lighting, fountains, and benches should match the local architecture. Pedestrian amenities should include landscaped parkways with street trees between the street and sidewalk.
- **Directness** - Pedestrians should be able to walk in a direct path to destinations like transit stops, schools, parks, and commercial and mixed-use activity centers. Directness is the ratio of actual distance along a sidewalk or pathway divided by the minimum distance the trip would take on a grid system.
- **Street Crossing** - Street crossings should feel safe and comfortable. Factors to consider are number of lanes to cross, traffic volumes, turning movements, speed of traffic, signal indication, curb radius, crosswalks, lighting, raised medians, visibility, curb ramps, pedestrian buttons and convenience. (F 89)

HISTORY:

Jun 2005	Preliminary Plat #05011 Crossbridge 1 st Addition approved by Planning Commission.
Apr 2004	Preliminary Plat #04010 Crossbridge Addition approved by Planning Commission.
Jun 2001	Use Permit #103B King Ridge approved by City Council.
Feb 1999	Use Permit #103A King Ridge approved by City Council.
Nov 1998	Change of Zone #3153 from R-3 Residential to H-3 Highway Commercial approved by City Council.
Feb 1998	Use Permit #103 King Ridge approved by City Council.
May 1979	The zoning update changed this parcel from A-A Rural and Public Use to R-3 Residential.

ANALYSIS:

1. This is a request to waive sidewalks along Crossbridge Road, a private roadway.
2. Crossbridge Road is located along the southern boundary of the Crossbridge 1st Addition preliminary plat. There is a significant grade change between this plat and the adjacent plat to the south, requiring the use of a retaining wall between the two developments.
3. The design of Crossbridge Road, the parking stalls, and the retaining wall does not provide adequate width for a sidewalk along the south side of the roadway.
4. Crossbridge 1st Addition preliminary plat added a narrow strip of property to the southern boundary of the original plat. Had the strip that was added been several feet wider, it could have accommodated the road, parking spaces, and the required sidewalk. Alternatively, the entire plat could have been shifted north to provide the necessary width for the sidewalk.
5. The potential for pedestrian users to visit this site is difficult to predict. However, the zoning pattern on this side of 27th Street indicates the majority of pedestrians will likely come from the northeast. City staff would be open to approving this waiver if Applicant would provide a paved sidewalk connection to the apartments to the northeast of this project.
6. The drawings show a sidewalk along the north side of Crossbridge Road serving each lot within the plat.

Prepared by:

Greg Czaplewski
441-7620, gczaplewski@lincoln.ne.gov

Date: June 28, 2005

Applicant and Owner: Austin Realty Company
3355 Orwell Street, Suite 100
Lincoln, NE 68516

Contact: Mark Palmer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
474.6311

WAIVER NO. 05007

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 6, 2005

Members present: Carroll, Carlson, Esseks, Larson and Bills-Strand; Krieser, Pearson, Sunderman and Taylor absent.

Staff recommendation: Denial.

Ex Parte Communications: None.

Proponents

1. **Mark Hunzeker** appeared on behalf of **Home Real Estate**, the subdivider of this property. He demonstrated on the map the reasons for this waiver request. There is a very significant grade problem that has given rise to the request to waive the sidewalk. They were able to purchase an additional 50' of land after the approval of the plat, which allowed them to bring Crossbridge directly from 27th Street east and west with parking on both sides. There is a retaining wall along the entire south boundary of the property. There is not room to place a sidewalk on the south side of that parking lot. The developer has proposed an alternative sidewalk location that runs from 27th Street all the way to the east end of Lot 3, over to the south side of the building of Lot 2 and onto the west side of the building of Lot 1. The aerial photo shows that there are no neighbors to the east and there is no place for anybody to go by sidewalk from 27th Street any further east than the church. The church is already there. The area to the north and east is a channel which would require construction of a bridge in order to provide the staff's proposed alternative sidewalk to the northeast.

Hunzeker believes that the suggestion by staff that they would be open to approving the waiver if the developer provides a sidewalk connection to the apartments to the northeast, illustrates the fact that there is no need for a sidewalk on the south side of this private roadway. This is a church that is one of the very, very few in this part of the city that has grown to 400 members over the past five years. The pedestrian access is not going to help that much.

Hunzeker pointed out that this is a design standard issue and there is a provision for waiving the design standards. Hunzeker believes that this is a circumstance which justifies the waiver of this sidewalk.

Hunzeker advised that there is a commercial use to the north.

Carroll inquired whether there is a reason not to go to the northeast area – is it because you have to cross the bridge? Hunzeker does not believe they are providing better access by putting a sidewalk on the south side of this road. The requirement in this case does not lend itself to practical application. Carroll thinks there needs to be connectivity. Hunzeker suggested that the only connection that they would have for sidewalk on the south side of the road would be to 27th Street, and there is a connection to 27th that serves all three lots.

Bills-Strand observed that if the sidewalk runs along the south, it just ends at the east side of the church. Hunzeker does not believe it would even go to the east side of the church. It would go to the east side of the parking lot. Bills-Strand noted that there is vacant land that is zoned R-3 to the east, so if the sidewalk were constructed all along the north and came back down on the east to connect with the church's sidewalk, that would fulfill that connectivity need and the potential R-3 zoning to the east.

Staff questions

Esseks asked staff to respond to the applicant's proposal to build an elaborate sidewalk from 27th over to the church. Greg Czaplewski of Planning staff stated that the sidewalk around Outlot B is required by design standards. The sidewalk they are asking to waive is also a design standard. The staff position is that the sidewalk they are proposing to build is required. Czaplewski pointed out that the property across 27th to the west is all residential zoning and it is certainly possible that there may be some pedestrians coming from the west to the church. The apartments are located to the northeast and may benefit from a pedestrian connection. Some of the area has been filled in and it is the staff's position that the sidewalk is a requirement of the design standards and it would have been possible to purchase a few more feet for a sidewalk. The staff report does suggest that the sidewalk won't fit, but that is because of the design of the private roadway and the parking stalls. It could have been designed a different way.

Response by the Applicant

With regard to the grade issue, Hunzeker stated that the developer is not necessarily opposed to the concept of making a connection over to the apartment complex; however, they are requesting not to be required to do that because at this point they do not know whether it is going to be feasible. The grade differential is about 18', so there is a pretty significant slope and a channel to get across and they are not sure whether they will be able to get permission to do that at a cost that is going to be feasible. The retaining wall on the south side is a constraint; some distance from the property line must be maintained for the construction of that wall and maybe the sidewalk could be run along the top of the wall. If there was more land available to purchase, it would have been purchased. This site has been improved considerably by acquisition of the additional 50', but the ability to provide that sidewalk is not practical in this circumstance and that is the reason for the waiver provision in the ordinance. This is an appropriate waiver, and this is a circumstance where the standard really is almost physically impossible to apply.

ACTION BY PLANNING COMMISSION:

July 6, 2005

Larson made a motion to approve the waiver request, seconded by Bills-Strand.

Bills-Strand pointed out that the sidewalk does not border along a public street. It is a private roadway. It is a small pocket of commercial uses for a church, for Young Life and some other potential commercial use, which in all likelihood would not be a restaurant. She believes the people that need to get there will drive there and walk through the parking lot. She does not see people using sidewalks in parking lots. She does not think it is necessary in this situation.

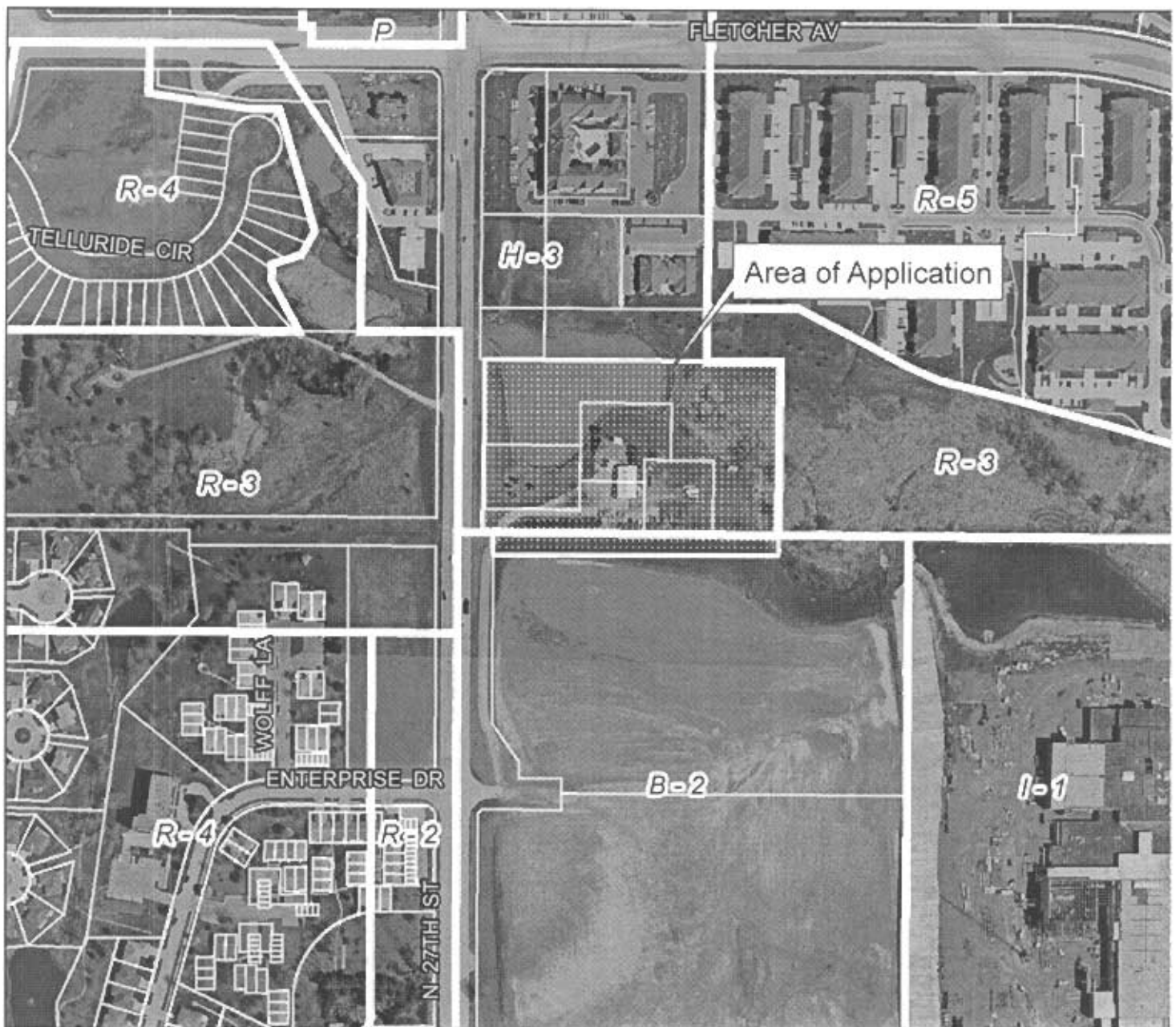
Larson agreed.

Carroll commented that he understands the grade differential, but he believes that some of the problem was created by the developer's design and they could have allowed for the sidewalk in their design to make it fit. On the one hand they designed it this way and caused the problem, but on the other hand they are trying to do the best they can with the land they have.

Carlson agrees that some of the problem is potentially self-created, but the question is whether the sidewalk serves a useful pedestrian function. He does not believe that the sidewalk is going to serve an overwhelming function. Moving to the northeast is pretty compelling. This is a preliminary plat so it becomes difficult to ask for additional connections, but since they are asking for a waiver it opens the door to find some circulation; however, he does not see the sidewalk necessarily serving too critical of a purpose. A sidewalk to the northeast would serve a much bigger purpose.

Esseks is worried about the precedent. He believes there needs to be a really good argument to waive a design standard.

Motion to approve the waiver request carried 5-0: Carroll, Carlson, Esseks, Larson and Bills-Strand voting 'yes'; Krieser, Pearson, Sunderman and Taylor absent. This is a recommendation to the City Council.



2002 aerial

Waiver #05007 N. 27th & Fletcher Rd.

Zoning:

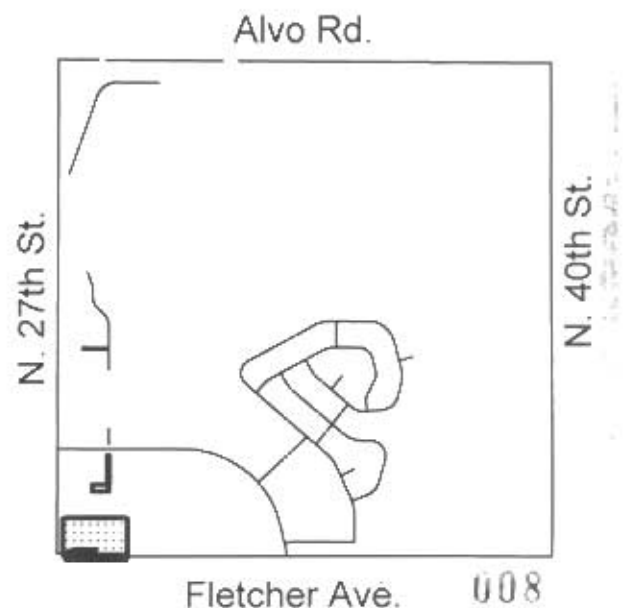
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 31 T11N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

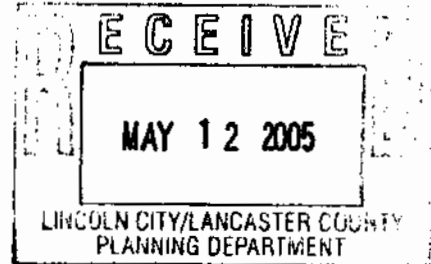




OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

May 12, 2005

Mr Marvin Krout
Planning Department, City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508



Re: Cross Bridge 1st Addition Preliminary Plat
OA Project No. 2003-1252

Dear Mr. Krout,

Enclosed, please find the following for the above-mentioned project:

1. Site Plan - 21 copies
2. Drainage and Grading Plans - 9 copies
3. Preliminary Plat Application with Technical checklist
4. Change of Zone application with submittal requirements
5. Change of Zone Legal description and exhibit
6. Change of Zone Application Fee
7. Preliminary Plat Application Fee
8. Soils Report - 1 copy
9. Ownership certificate

On behalf of the Owner/Developer, Austin Realty Company, 8644 Executive Woods Drive, Lincoln NE 68512, we are requesting a *Preliminary Plat* on the property shown on the enclosed site plan, all located in the Northwest Quarter (NW4) of Section 6, T10N, R7E of the 6th PM, City of Lincoln, Lancaster County, Nebraska

The owners have purchased a 50' wide strip of property from the King Ridge developers to the south. We are proposing to change the zone on this property to H-3. This area is to be used for additional parking.

We are also requesting a right in / right out entrance off 27th Street as shown on the site plan. This property had the access to 27th Street purchased by the City as part of the 27th Street widening project. The current access is a frontage driveway from Enterprise Road parallel to 27th Street. The future access is a meandering private roadway through the King Ridge development. The King Ridge development showed the construction of a third northbound thru lane for the entire length of the development. Our clients are willing to construct 150' of this third lane to be used as a right turn lane. Our clients understand that the controlled access will need to be purchased from the City.

010

The land uses that this turn lane will support are not high traffic generating uses. One lot is a church, one is an office building, and one lot will be either a sit-down restaurant, or office building. These uses will be less intensive than the Rustad Property to the south that just recently got a right in / right out turn lane approved off 27th Street.

The following waivers are being requested for the above-mentioned project. The justification for each waiver is listed below. These waivers were previously approved as part of Cross Bridge Preliminary Plat.

1. A waiver to Design Standards to not construct sidewalks on both sides of the private roadway.

We have shown an alternative location for the sidewalks through the site.

4. A waiver to Design Standards to not require storm water detention on this site.

The neighboring properties to the north and south (King Ridge and Northridge) were not required to provide detention due to their proximity to Salt Creek. As this property fits the same locational criteria, it should also be granted the same waiver.

5. A waiver to Design Standards to not require a cul-de-sac at the end of the private roadway.

This private roadway connects into a parking lot that will provide room for vehicles to turn around.

Please contact me if you have any questions or require additional information.

Sincerely,



Mark C. Palmer, PE

Encls

cc John Schleich
Tom Schleich